THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 15418 of 2007

O r d e r:

The petitioner passed SSC and possesses certificate in Wiring Course issued by SBTE & T, Government of Andhra Pradesh. The petitioner claims to have been working as contract casual labour through a private contractor for the respondents since 1997. In response to the notification dated 08.6.2006 read with the revised notification, issued by the respondents for recruitment to the posts of Contract Junior Linemen, the petitioner submitted his application. As the respondents did not issue call letter to the petitioner on the ground that he does not possess ITI qualification in Electrical Trade, he filed writ petition in W.P. No. 11383 of 2007, and in pursuance of the directions dated 04.06.2007 made by this Courts, the respondents permitted the petitioner to attend the interview. The petitioner states that in the interview, he passed the Pole Climbing Test conducted by the respondents. The petitioner states that he having passed the Pole Climbing Test and he having worked for the respondents for more than 10 years as contract labour, despite his not-possessing ITI certificate in Electrical or Wireman Trade, is entitled to be appointed as Contract Junior Linemen, and the action of the respondents in passing orders dated 30.06.2007, rejecting his case for appointment, is illegal and arbitrary. Hence, he filed the present writ petition.

The learned counsel for the petitioner submits that the petitioner passed SSC and possesses certificate in Wireman course, issued by SBTE & T, Government of Andhra Pradesh, and even though he does not possess the certificate in I.T.I. in Electrical Trade, as required by the notification, but since the petitioner has been working for the respondents as contract labour

since 1997, he has gained sufficient experience, and having regard to the judgment of the apex Court in **Bhagwati Prasad v. Delhi State Mineral Development Corporation**[1], he is entitled to be given preference in the matter of recruitment, and the action of the respondents in passing the impugned order dated 30.06.2007, rejecting the case of the petitioner for appointment as Contract Junior Lineman on the ground that he does not possess ITI certificate in Electrical or Wireman Trade, is illegal and arbitrary. Hence, he prayed that the impugned order be set aside and the respondents be directed to appoint him as Contract Junior Lineman.

On the other hand, the learned Standing Counsel for the respondents-APSPDCL submitted that as per the notification, the candidate should possess SSC with I.T.I. certificate in Electrical/Wireman Trade, and inasmuch as the petitioner does not possess I.T.I. certificate in Electrical/Wireman Trade, but possesses certificate in Wireman course, issued by SBTE & T, Government of Andhra Pradesh, which is not the qualification prescribed in the notification, the respondents passed the impugned order, rejecting the case of the petitioner for appointment as Contract Junior Lineman, and no exception can be taken thereto. Hence, he prayed for dismissal of the writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSPDCL.

As per Condition No. 6(i) of the revised notification, the qualifications prescribed for appointment as Contract Junior Lineman are that the candidates should have passed SSC/SSLC/10th Class with I.T.I. certificate in Electrical/Wireman Trade or Intermediate Vocational Course in Electrical Trade. Admittedly, the petitioner does not possess I.T.I. certificate in the required Electrical/Wireman Trade, but possesses certificate in Wireman course, issued by SBTE & T, Government of Andhra Pradesh. Unless and until the candidates satisfy the qualifications prescribed in Condition No. 6(i)

of the revised notification, it is the case of the respondents that the candidates irrespective of their having worked with the respondents, are not entitled to be considered as per Condition No. 6(I)(b) of the revised notification. Inasmuch as the petitioner did not satisfy the qualifications prescribed in Condition No. 6(i) of the revised notification, in that he possesses certificate in Wireman course, issued by SBTE & T, Government of Andhra Pradesh, a certificate different from the one required by the respondents, no exception can be taken to the action of the respondents in rejecting the case of the petitioner for appointment to the post of Contract Junior Linemen. May be the petitioner had worked with the respondents for more than 10 years and had gained sufficient experience, but that by itself is no ground for this Court to direct the respondents to appoint a person, who does not possess the qualifications as prescribed in the notification, and more so when this Court in W.P. No. 8257 of 1998 and batch, dated 02.01.2007, held that when the Board Service Regulations prescribe a particular qualification, the candidates seeking selection, should pass such qualification, and that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot relax the prescribed qualification. In that view of the matter, no exception can be taken to the action of the respondents in not considering the case of the petitioner for appointment as Contract Junior Lineman.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Dated: 26th December, 2007.
KSR

[1] AIR 1990 SC 371